

Notice of Allowability

Application No.

09/921,517

Examiner

Benny Q. Tieu

Applicant(s)

BROWN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to patent application filed August 01, 2001.
2. ☒ The allowed claim(s) is/are 1-48.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 03/08/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In specification, line 1 of [0012], "1A" has been changed to --2A--.

(End of Amendment)

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: Patsiokas et al. (U.S. Patent No. 5,203,012) teach a method and apparatus for choosing the most optimum communication channel in a system having a plurality of communication channels provides for reduced interference and increased system capacity. By establishing a set of threshold levels and comparing these threshold levels to receive signal strength level measurements for each of the communication channels, a communication device originating a call can be guaranteed of establishing communication using the communication channel with the least chance of being affected by interference or of affecting other channels already in use (Abstract). Patsiokas et al. fail to teach establishing far-end communication parameters and transmitting the parameters to the second wireless device. Koohgoli et al. (U.S. Patent No. 5,276,908) teach a call set-up and spectrum sharing in radio communication on systems with dynamic channel allocation. The call set-up procedures require that there be one or more radio signalling channels on frequencies distinct from the radio traffic channels. For either an incoming or outgoing call set-up, the base station selects a number of signalling channels which do not overlap reserved frequencies for this particular geographic region and passes a list of available traffic channels which have low interference from its perspective to the subscriber terminal over a one of the selected channels signalling. The subscriber terminal checks these candidates, chooses one or more traffic channels which have the lowest interference from its perspective, and reports these choices to the base station over a signalling channel. The call then proceeds on a chosen traffic channel (column 2, lines 42-55). However, the prior art of record fails to teach, or renders obvious, alone or in combination a method of setting frequency channels for wireless devices within a wireless

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network by dynamically exchanging time-varying spectral maps and communication parameters to utilize available frequency channels efficiently comprises the steps of: scanning, by a first wireless device, a given frequency band for receiving a radio signal, the scanning step comprises the steps of measuring noise, measuring signals and determining available frequency channels; computing a spectral signature for the available frequency channels; establishing far-end communication parameters for a second wireless device; and transmitting the far-end communication parameters to the second wireless device as directly claimed in all independent claims 1, 20 and 36.

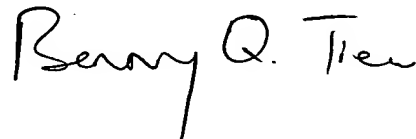
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Benny Q. Tieu". The signature is written in a cursive style with a large, stylized 'B' and a long, sweeping underline.

BENNY TIEU
PRIMARY EXAMINER

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December 13, 2004